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AMENDED IN SENATE MARCH 7, 2016  
AMENDED IN ASSEMBLY JANUARY 4, 2016  
AMENDED IN ASSEMBLY APRIL 20, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1174**

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**Introduced by Assembly Member Bonilla**

February 27, 2015

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An act to amend ~~Sections 9882 and 9882.5 of~~ *Section 9882 of, and to add Sections 9882.6, 9882.7, 9882.8, 9882.9, and 9889.23 to*, the Business and Professions Code, relating to automotive repair.

LEGISLATIVE COUNSEL'S DIGEST

AB 1174, as amended, Bonilla. Automotive Repair Act: violations: ~~response.~~ *regulations: reports.*

The Automotive Repair Act provides for the licensure and regulation of automotive repair dealers, among others, by the Chief of the Bureau of Automotive Repair under the supervision and control of the Director of Consumer Affairs. The act requires the director, on the director's initiative or in response to a complaint, to investigate a violation of the act, or of any regulation adopted pursuant to the act, by any automotive repair dealer, automotive technician, or employee, partner, officer, or member of any automotive repair dealer. The act authorizes the director to adopt and enforce the rules and regulations that the director determines are reasonably necessary to carry out the purposes of the act and declaring the policy of the bureau, including a system for the issuance of citations pursuant to a specified law. *The act, except as*

*specified, makes a violation of any requirement of the act by any person punishable as a misdemeanor.*

This bill would clarify that the specified law under which the director may adopt and enforce rules and regulations under the Automotive Repair Act authorizes any board, bureau, or commission within the Department of Consumer Affairs to establish, by regulation, a system for the issuance to a licensee of a citation when the licensee is in violation of the applicable licensing act or any regulation adopted pursuant thereto. ~~The bill would require the director to publicly post on the bureau's Internet Web site the findings of, and specified information related to, each investigation completed by the director in response to a complaint.~~

*This bill would require the bureau to adopt regulations regarding the bureau's policies and procedures for handling complaints, investigations, and mediation, as specified. The bill would require the bureau to track and retain data on every mediation attempted and completed by the bureau for each automotive repair dealer, including, but not limited to, the type of complaint being mediated. The bill would require the bureau to submit a report to the Legislature by January 1, 2018, and annually thereafter, that details the bureau's mediation proceedings, as specified.*

*This bill would require the bureau to post on its Internet Web site the name of an automotive repair dealer that has more than a certain number of complaints, which the bureau has determined are the fault of the automotive repair dealer, filed with the bureau within a certain number of months and would require the bureau to determine by regulation the certain number of complaints and months that are the threshold amount for posting on the bureau's Internet Web site.*

*This bill would require the bureau to conduct a study on the feasibility, effectiveness, and impact of requiring all service workers who are employed by an automotive repair dealer to be licensed or certified by the bureau and would require the bureau to submit that report to the Legislature by July 1, 2018.*

*This bill would require the bureau to adopt regulations that require the bureau to issue a citation and administrative fine to an automotive repair dealer that has had more than a certain number of complaints filed against it within a certain number of months or has agreed to pay more than a certain amount in mediation within a certain number of months and would require the bureau to determine by regulation the certain number of complaints, dollar amounts, and months that will be*

*the threshold for that citation and administrative fine. The bill would provide that a violation of those regulations shall not be punished as a misdemeanor.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 9882 of the Business and Professions  
2 Code is amended to read:

3 9882. (a) There is in the Department of Consumer Affairs a  
4 Bureau of Automotive Repair under the supervision and control  
5 of the director. The duty of enforcing and administering this chapter  
6 is vested in the chief who is responsible to the director. The director  
7 may adopt and enforce those rules and regulations that he or she  
8 determines are reasonably necessary to carry out the purposes of  
9 this chapter and declaring the policy of the bureau, including a  
10 system for the issuance of citations for violations of this chapter  
11 as specified in Section 125.9, which authorizes any board, bureau,  
12 or commission within the department to establish, by regulation,  
13 a system for the issuance to a licensee of a citation when the  
14 licensee is in violation of the applicable licensing act or any  
15 regulation adopted pursuant thereto. These rules and regulations  
16 shall be adopted pursuant to Chapter 3.5 (commencing with Section  
17 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

18 (b) Notwithstanding any other law, the powers and duties of the  
19 bureau, as set forth in this article and under the Automotive Repair  
20 Act, shall be subject to review by the appropriate policy committees  
21 of the Legislature. In that review, the bureau shall have the burden  
22 of demonstrating a compelling public need for the continued  
23 existence of the bureau and its regulatory program, and that its  
24 function is the least restrictive regulation consistent with the public  
25 health, safety, and welfare. The review shall be performed as if  
26 this chapter were scheduled to be repealed as of January 1, 2019.

27 ~~SEC. 2. Section 9882.5 of the Business and Professions Code~~  
28 ~~is amended to read:~~

29 ~~9882.5. (a) The director shall on his or her own initiative or~~  
30 ~~in response to complaints, investigate on a continuous basis and~~  
31 ~~gather evidence of violations of this chapter and of any regulation~~  
32 ~~adopted pursuant to this chapter, by any automotive repair dealer~~

1 or automotive technician, whether registered or not, and by any  
2 employee, partner, officer, or member of any automotive repair  
3 dealer. The director shall establish procedures for accepting  
4 complaints from the public against any dealer or automotive  
5 technician. The director may suggest measures that, in the  
6 director's judgment, would compensate for any damages suffered  
7 as a result of an alleged violation. If the dealer accepts the  
8 suggestions and performs accordingly, such fact shall be given  
9 due consideration in any subsequent disciplinary proceeding.

10 (b) For each investigation the director completes in response to  
11 a complaint pursuant to subdivision (a), the director shall publicly  
12 post on the bureau's Internet Web site both of the following:

13 (1) The findings of the completed investigation.

14 (2) The name, business address, and, if applicable, the  
15 registration type and number, of the investigated automotive repair  
16 dealer, automotive technician, or employee, partner, officer, or  
17 member of an automotive repair dealer.

18 SEC. 2. Section 9882.6 is added to the Business and Professions  
19 Code, to read:

20 9882.6. (a) The bureau shall adopt regulations regarding the  
21 bureau's policies and procedures for handling complaints,  
22 investigations, and mediation.

23 (b) The regulations shall include, but not be limited to, all of  
24 the following:

25 (1) How a complaint is to be filed with the bureau.

26 (2) How a complaint is to be investigated by the bureau.

27 (3) How mediation is used by the bureau. The regulations  
28 regarding mediation shall clearly identify when mediation is used,  
29 how mediation is implemented by the bureau, and how mediation  
30 data is collected and reported by the bureau.

31 SEC. 3. Section 9882.7 is added to the Business and Professions  
32 Code, to read:

33 9882.7. (a) The bureau shall track and retain data on every  
34 mediation attempted and completed by the bureau for each  
35 automotive repair dealer, including, but not limited to, all of the  
36 following:

37 (1) The type of complaint being mediated.

38 (2) The remedy or remedies sought and obtained in mediation,  
39 including, but not limited to, restitution, refund, work to be redone

1 at no charge, bill adjustments, returns or exchanges, and the dollar  
2 amount of any remedy, if applicable.

3 (3) The number of complaints where mediation was attempted  
4 but where no remedy was reached and the number of complaints  
5 where mediation was successful.

6 (b) The bureau shall submit a report to the Legislature by  
7 January 1, 2018, and annually thereafter, that details the bureau's  
8 mediation proceedings. The report shall include, but not be limited  
9 to, the data in subdivision (a).

10 (c) The report shall be submitted pursuant to Section 9795 of  
11 the Government Code.

12 SEC. 4. Section 9882.8 is added to the Business and Professions  
13 Code, to read:

14 9882.8. (a) The bureau shall post on its Internet Web site the  
15 name of an automotive repair dealer that has more than a certain  
16 number of complaints, which the bureau has determined are the  
17 fault of the automotive repair dealer, filed with the bureau within  
18 a certain number of months.

19 (b) The bureau shall determine by regulation the certain number  
20 of complaints and months that are the threshold amount for posting  
21 on the bureau's Internet Web site provided for in subdivision (a).

22 SEC. 5. Section 9882.9 is added to the Business and Professions  
23 Code, to read:

24 9882.9. (a) The bureau and the Department of Consumer  
25 Affairs shall conduct a study on the feasibility, effectiveness, and  
26 impact of requiring all service workers who are employed by an  
27 automotive repair dealer to be licensed or certified by the bureau.

28 (b) The bureau and the department shall submit the study  
29 required by this section to the Legislature by July 1, 2018.

30 (c) The study shall be submitted in compliance with Section  
31 9795 of the Government Code.

32 SEC. 6. Section 9889.23 is added to the Business and  
33 Professions Code, to read:

34 9889.23. (a) The bureau shall adopt regulations that require  
35 the bureau to issue a citation and administrative fine to an  
36 automotive repair dealer that has had more than a certain number  
37 of complaints filed against it within a certain number of months  
38 or has agreed to pay more than a certain amount of dollars in  
39 mediation within a certain number of months.

1     **(b)** *The bureau shall determine by regulation the certain number*  
2 *of complaints, dollar amounts, and months that will be the*  
3 *threshold for the citation and administrative fine provided for in*  
4 *subdivision (a).*

5     **(c)** *Notwithstanding any law, violation of the regulations*  
6 *adopted pursuant to this section shall be punished only by a civil*  
7 *administrative fine and shall not be punished as a misdemeanor*  
8 *pursuant to Section 9889.20.*

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